

CAL/EPA ENVIRONMENTAL JUSTICE ACTION PLAN
PROPOSED ACTIONS TO ADDRESS SECRETARY TAMMINEN'S EJ PRIORITIES

WORKSHEET FOR EVALUATING

Priority 1 – Provide Guidance on Cal/EPA Precautionary Applications

1. CCEEB's General Comments on Priority 1

CCEEB believes that it is appropriate for Cal/EPA to provide guidance regarding precautionary approaches.

As we suggested in the Advisory Committee process, it is appropriate for each of the Boards, Departments and Office of Environmental Health Hazard Assessment (the "BDOs") to identify where they use a precautionary approach or where a precautionary approach could be used.

CCEEB noted in the Committee's process that we think that Cal/EPA does already use a precautionary approach. For example, OEHHA's risk assessment guidance for air toxics regulation is more stringent than the EPA's risk assessment guidance. California has more stringent standards and requirements than the federal government and other states have.

The key is that efforts to use precaution be reasonable and be based in good science – not on speculation.

In our view, there are extreme forms of precaution, including the precautionary principle (e.g., the Wingspread Statement). We were pleased that the **Advisory Committee decided not to include the precautionary principle** in its recommendations after hearing extensive public testimony and presentations by experts on the various sides of the issue. CCEEB will continue to raise concerns about proposals aimed at implementing the precautionary principle and related aspects (e.g., **mandated** chemical/process/product substitutions, etc.). Please see CCEEB's Alternative Opinion in the Advisory Committee's report.

But speaking to the draft EJ Plan, the specific actions appear to be reasonable – assuming that Cal/EPA is not intending this effort to be implementation of the precautionary principle. (If that assumption is incorrect, Cal/EPA should be straightforward about its intention and engage a dialogue on **that** issue.) Having a priority of implementing reasonable, cost-effective precautionary approaches is a good opportunity for achieving low-cost environmental improvements.

Our specific comments follow on the next page.

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	<i>Proposed Action</i>	<i>2. CCEEB's Specific Comments</i>
Priority 1	PROVIDE GUIDANCE ON CAL/EPA PRECAUTIONARY APPLICATIONS	Please see the general comment above. This draft introduces a new term "precautionary applications" – so it is unclear what is intended here. Use of the term "precautionary approaches" would be consistent with the Advisory Committee's work. (Again, the Advisory Committee decided not to recommend implementation of the precautionary principle because of many concerns raised about it in a public meeting devoted to the issue.) At a minimum, clarification of what is intended would facilitate comments in this area.
action a.	Convene Precautionary Applications Workgroup	
action b.	Identify where/how precaution is currently applied in Cal/EPA's environmental programs and recommend other areas for application	
action c.	Identify reasonable, cost-effective approaches that could be used to prevent or minimize adverse environmental impacts	
action d.	Identify current protocols and practices for risk assessments currently conducted and identify areas for EJ consideration	

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action e.	Develop guidance for Cal/EPA precautionary applications and recommendations for implementation	See comment above.
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Priority 2 – Conduct Cumulative Health Impacts Reduction Plan (CHIRP) Pilot Projects and Develop Guidance on Cumulative Impacts Analysis

	<i>Proposed Action</i>	<i>CCEEB Comment</i>
Priority 2	CONDUCT CUMULATIVE HEALTH IMPACTS REDUCTION PLAN (CHIRP) PILOT PROJECTS AND DEVELOP GUIDANCE ON CUMULATIVE IMPACTS ANALYSIS	In implementing the Action Plan, Cal/EPA should make it clear that "health impacts" in this case are health impacts that relate to Cal/EPA programs. (For example, health impacts from smoking would not be included.)
action a.	Convene CHIRP Workgroup	
action b.	Inventory current cumulative health impacts studies and tools	CCEEB recommends the addition of the related action of identifying the cumulative health impacts studies that need to be conducted and tools that need to be developed.
action c.	Develop a common, objective definition for cumulative impacts to be used by Cal/EPA and criteria for pilot projects	CCEEB suggests adding the related action of developing objective criteria for when cumulative impacts are too high.
action d.	Identify and assess cross-media coordination projects for EJ cumulative impacts potential	The State needs to have tools and policies to assess cumulative impacts for an individual program area (e.g., for air quality) before it can determine how to assess cumulative impacts on a cross-media basis.
action e.	Select 3 pilot projects (Northern California, Southern California, and Sierra Nevada Region); define scope of pilot projects	Cal/EPA should consider having one of the projects in a rural area.

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action f.	Develop and implement CHIRP for each pilot project	
“	1. Establish baseline, goals and objectives	
“	2. Define cumulative health impacts	This item appears to duplicate action c.
“	3. Develop strategies, actions, implementation mechanism, measures and timeframes	
“	4. Monitor implementation and report progress	
action g.	Evaluate CHIRP pilot projects and provide recommendations	
	1. CHIRP effectiveness in pilot project areas	
	2. Transferability of strategies to other communities	
	3. Definitions and procedures for cumulative impacts analysis by Cal/EPA	The “definitions” part of this item appears to duplicate action c. and action f.2 (unless it aimed at revisiting the issue).

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action h.	Develop Cal/EPA guidance on cumulative impacts analysis; recommend implementation options (e.g., regulation, legislation, etc.)	
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Priority 3 – Improve Tools for Public Participation, Community Capacity Building, and Communication

	<i>Proposed Action</i>	<i>CCEEB Comment</i>
Priority 3	IMPROVE TOOLS FOR PUBLIC PARTICIPATION, COMMUNITY CAPACITY BUILDING, AND COMMUNICATION	
action a.	Develop agency-wide public participation guidelines; update annually as necessary	
action b.	Develop common definitions	
action c.	Establish agency-wide translation contract	
action d.	Secure funds and implement Cal/EPA EJ Small Grants Program	Another item could be the identification of related federal or state grants in order to avoid duplication of work given limited resources.
action e.	Identify opportunities to address EJ in existing Cal/EPA loan and grant programs	
action f.	Improve Cal/EPA EJ Web page to provide:	
“	1. EJ clearinghouse, with collections of stories from stakeholders on community EJ issues, successes and problems	CCEEB suggests changing the word “stories” to “case studies” or “experiences.”
“	2. Grants and other funding sources to address EJ	

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“	3. Links to information in Spanish and other languages, including health information, environmental pollutant emission/release data, fish advisories, etc.	
“	4. All public education materials currently being translated or could be translated	
“	5. Ensure tools available on EJ Website (e.g., M. Firebaugh Community book regarding parks)	The word “tools” should be clarified. For example, tools for how to participate in BDO processes would be appropriate, but tools regarding how to organize lobbying efforts would not be appropriate (as recognized by the Legislature – please see Ca. Public Resources Code Section 71116 (g)).
		Additional Comment: At the June 28, 2004 workshop, there were a couple of comments regarding technical assistance. We note in developing the EJ Small Grant Program, the Legislature prohibited the use of the grant funds for performance of a technical assessment that would be used to oppose or contradict a technical assessment prepared by a public agency. Please see Ca. Public Resources Code Section 71116 (g).

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Priority 4 – Integrate EJ Into Other Components of the Environmental Action Plan

	<i>Proposed Action</i>	<i>CCEEB Comment</i>
Priority 4	INTEGRATE EJ INTO OTHER COMPONENTS OF THE ENVIRONMENTAL ACTION PLAN	
action a.	Get gross-polluting vehicles off the road now	Strongly Support Suggest adding a third item: "3. Communicate availability of funds under Bureau of Automotive Repair's consumer assistance program".
"	1. Strong enforcement to reduce emissions from diesel trucks/buses	
"	2. Expand "scrappage" programs (e.g., expand program to establish priority to most affected communities)	Strongly Support
action b.	Restore our urban environments	
"	1. Develop an Infill Incentives Package	
"	2. Resolve impediments to cleanup of Brownfield sites	Strongly Support

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action c.	Focus on children's health	
	1. Inventory projects to improve air quality along freeways	This item should be clarified with examples. (CCEEB may have a subsequent comment depending on the examples.)
	2. Direct water/park bond funds to give priorities to projects that reduce childhood asthma	This should be clarified with examples. (CCEEB may have a subsequent comment depending on the examples.)
action d.	Tough enforcement of existing laws; enforcement settlements to provide direct environmental improvement through supervised projects	

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Priority 5 – Ensure Meaningful Public Participation in Implementing EJ Action Plan

	<i>Proposed Action</i>	<i>CCEEB Comment</i>
Priority 5	ENSURE MEANINGFUL PUBLIC PARTICIPATION IN IMPLEMENTING EJ ACTION PLAN	
action a.	Continue meetings and teleconferences with community groups	CCEEB suggests inserting “and other stakeholders” after “groups”
action b.	Participate in EJ Toxics Tours	
action c.	Provide triennial update to the Legislature on EJ implementation progress	
action d.	Provide update to and obtain input from EJ stakeholders on key action plan components	

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